

## **REMARKS**

### **Pending Claims**

Claims 37-39 have been amended. No claims have been added or canceled by this Amendment. Accordingly, claims 37-39 remain pending in this application.

### **35 U.S.C. §112, First Paragraph**

Claims 37-39 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement for containing subject matter that was not described in the specification. In response, Applicant has addressed the rejection of each limitation below.

**(1) “transmitting the ID number that must be displayed on the information terminal device to the information terminal device and the settlement authentication device”**

This limitation has been deleted from the claims. Accordingly, the rejection is believed to be moot. However, it is noted that at page 45, lines 8-11, the specification includes that “...the user transmits the ID number, or the ID number of the online slip and other information, to the settlement authentication device 30.”

**(2) “transmitting, by the settlement terminal device, information about the settlement to the settlement authentication device; and**

**authenticating the settlement by the settlement authentication device,”**

These limitations find support, e.g., at page 23, lines 9-12; page 45, lines 11-15; and FIGS. 2 and 14. For example, on page 45, the specification indicates that the user employs the ID number or online slip to settle payment at a settlement terminal device 20 (page 45, lines 11-13). This information is transmitted to the settlement authentication device 30, and after authentication, the mail order company 35 is notified of the settlement result (page 45, lines 13-15). When this description is read in conjunction with the flow of the arrows illustrated in FIG. 14, the specification clearly discloses that the user employs the ID number or online slip to settle payment at a settlement terminal device 20, and the information is transmitted from the settlement terminal device 20 to the settlement authentication device 30 (page 45, lines 11-14 and FIG. 14). This is particularly apparent in view of the teachings of FIGS. 1-5. See, for example, arrow 2 in FIG. 2, and description on page 23, lines 9-12, which reads:

When a user pays a prescribed amount of money at a settlement terminal device 20 (arrow 1), payment information is transmitted from the settlement terminal device 20 to the settlement authentication device 30 (arrow 2).

Other instances at which information about the settlement is transmitted from the settlement terminal device to the settlement authentication device, and the settlement authentication device authenticates the settlement are set forth in the various examples given in the specification. Accordingly, these limitations of the claims are supported by the specification.

**(3) “reading, by the settlement terminal device, the recorded ID number...”**

This limitation has been deleted from the claims. Accordingly, the rejection is believed to be moot.

**(4) “...the ID number displayed on the information terminal device...”**

This limitation finds support, e.g., at page 44, lines 24-26, which reads that “Instead of taking the form of a slip, *an ID number displayed on an information terminal device 40* can itself be taken to be the media.” (Emphasis added)

From the foregoing, Applicant asserts that each of the rejected limitations remaining in the amended claims is sufficiently taught by the specification and drawings to reasonably convey to one skilled in the art that Applicant had possession of the claimed invention at the time the application was filed. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 37-39 under 35 U.S.C. §112, first paragraph. Should the Examiner require additional support from the specification for any of the limitations in the claims, the Examiner is encouraged to contact Applicant’s undersigned attorney via telephone.

**35 U.S.C. §112, Second Paragraph**

Claim 39 stands rejected under 35 U.S.C. §112, second paragraph, as including both an apparatus and a method for using the apparatus. In response,

claim 39 has been amended to remove any language that might be interpreted as method steps.

**35 U.S.C. §103**

Claims 37-38 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gifford, U.S. Patent No. 5,724,424 (hereafter "Gifford"). Applicant respectfully traverses these rejections, and requests reconsideration and withdrawal of the rejections for the following reasons.

Gifford teaches a system for the purchase of goods or information over a computer network. At FIGS. 6 and 12, Gifford teaches a purchase transaction in which a buyer computer sends a purchase message 25 to a merchant computer (col. 5, line 67, through col. 6, line 2). The merchant computer then attempts to construct a payment order at 26 using information it has gathered about the user (col. 6, lines 3-5). If the merchant computer is able to construct a complete payment order, the payment order is sent to a payment computer for authorization (col. 6, lines 9-11). The payment computer checks the authorization of the payment order, and if the payment system authorizes the request, an authorization message at 29 is returned to the buyer computer, and the merchant computer checks at 30 that the authorization message came from the payment computer using an authenticator mechanism (col. 6, lines 50-56). If the authorization message is valid, the merchant computer performs fulfillment at 30, returning the purchased product in response at 31 (col. 6, lines 56-59).

Thus, Gifford fails to teach a separate settlement terminal device, as set forth in Applicant's claims. For example, as noted in Applicant's specification, settlement terminal devices normally exist in locations throughout the country, such as convenience stores, kiosks, bookstores, video rental stores, and other retail stores; they are installed in stores which are convenient for users to make settlements. Normally, point of sale (POS) terminal devices provided in convenience stores and other stores can be used as these settlement terminal devices (see, e.g., Applicant's specification at page 17, line 10, through page 18, line 4).

According to Applicant's claims, a choice of specific goods or services is made from an information terminal device, and a method of payment includes a choice of an online slip or an ID number displayed on the information terminal device. The ID number or the slip ID number is transmitted to a settlement authentication device. The slip ID number or the ID number displayed on the information terminal device is then employed at the **at the settlement terminal device** for making settlement at the settlement terminal device. The settlement terminal device transmits information about the settlement to the settlement authentication device. The settlement authentication device authenticates the settlement, and transmits the settlement result to the service provision device, thereby providing the goods to a user. Gifford fails to teach or suggest such a method or system that includes use of a settlement terminal device, as set forth in Applicant's claims. Further Gifford fails to teach or suggest obtaining an ID number at an information terminal device and then making settlement employing the ID

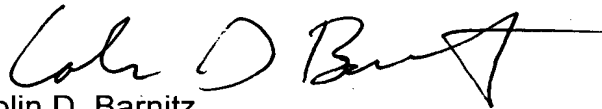
number at a settlement terminal device, as also set forth in Applicant's claims.

Accordingly, claims 37-39 are patentable over Gifford and the other art of record, whether taken singly, or in combination.

### **CONCLUSION**

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Colin D. Barnitz", with a stylized flourish at the end.

Colin D. Barnitz  
Registration No. 35,061

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.  
1800 Diagonal Rd., Suite 370  
Alexandria, Virginia 22314  
(703) 684-1120  
Date: January 24, 2007